



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,455 | 01/16/2002 | Robert Desbiens | 33263US1 | 6511 |

116 7590 08/10/2007
PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

| |
|----------|
| EXAMINER |
|----------|

KENDALL, CHUCK O

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2192

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

08/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/050,455 | DESBIENS, ROBERT | |
| | Examiner | Art Unit | |
| | Chuck O. Kendall | 2192 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This is in response to application filed 07/27/07.
2. Claims 1 – 8 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kevner USPN 5,956,509 in view of Kavner 6,430, 607.

Regarding claim 1, Kevner discloses a system for incrementally executing a client/server application (4:30 – 35), leveraging existing communications network infrastructure having at least one client computer and at least one server computer, wherein the at least one client computer and the at least one server computer are in communications with each other over one or more communications links within the network infrastructure, the system comprising:

a client/server application comprising a server application component and a client component,

the server application component comprising a plurality of server component portions, and provided on the at least one server computer (7:1 – 5),

the server component portions including an initial server component server portion and one or more subsequent server component portions, the initial server component portion having an initial function, each of the one or more subsequent server component portions including at least one subsequent functions;

the client application component provided on the at least one client computer, the client component including one or more command selectors, each of the one or more command selectors having (see locator program 314, 9:55 – 65):

associated code for selecting a function available from the plurality of portions of the server component (28: 12 – 17, see select command) portions; and

associated code for generating a parameter for use by the server application component in determining the appropriate server component portion of the plurality of server component portions to load and execute on the server computer to provide the selected function on the client computer (28:1 – 5, see RequestDynamicParam routine also see 13:13 – 21).

Kevner doesn't expressly disclose wherein portions are incrementally loaded and executed on the server computer in response to the code and parameter from the one or more command selectors for the client/server application and a memory for

executing the server application component: means for receiving an initiating means from the client computer, the initiating message including the initial parameter associated with initial server component portion;

means for loading into the memory, in dependence upon the initial parameter the initial server component portion; means for executing the initial server component portion loaded into the memory to provide the initial function to the client computer;

means for receiving a subsequent message from the client computer, the subsequent message including the subsequent parameter associated with a subsequent server component portion; means for loading into the memory, in dependence upon the subsequent parameter, the subsequent server component portion; and mean for executing the subsequent server component portion loaded into the memory to provide the subsequent function to the client computer.

However, Kavner in analogous art and similar configuration discloses that, “the client MPC layer 206a sends a memory block parameter in incremental portions, each incremental portion contains the upload field 812 at the beginning of the upload message 800b. In the preferred embodiment, the value 0xE6h (230) in the upload field indicates that other upload messages 800b exist and the value 0xE7h (231) indicates the last upload message 800b has been received for that parameter. It is possible that there will be other messages 800b that correspond to other client-to-server memory block parameters, identified by a different upload parameter identifier 814” (32:45 – 55).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kevner and Kavner because, it would allow the client applications 206a, to continue operation while waiting for responses to pending remote requests (Kavner, 32:18 – 22).

Regarding claim 2, the system according to claim 1, wherein one portion of the plurality of server component portions is a compact portion loaded and executed on the at least one server computer upon receipt of a first application function request from the client component the compact portion delivering a streamlined subset of functions applicable to commands most commonly requested to provide a fast executing initial portion of the application (Kavner, 32:45 – 55).

Regarding claim 3, which is the method version of claim 1 see rationale above as previously discussed and regarding the at least one server computer comprising a server processor and a memory for executing a server component, executing an applicable additional portion of the plurality of portions of the server application component for each request received from the client component for an application function not available from any running portion or portions of the server component (16:45 – 60) and running all executed portions until an end session command is received see (Kavner, 32:45 – 55).

Regarding claim 4, the method according to claim 3, wherein one portion of sever component of the plurality of server component portions is a compact portion executed on the server computer upon receipt of a first application function request from the client component, the compact portion delivering a streamlined subset of functions

Art Unit: 2192

applicable to commands most commonly requested to provide a fast executing initial portion of the application (Kevner, 8:35 – 50).

Regarding claim 5, which recites similarly to claim 3 see rationale as previously discussed above.

Regarding claim 6, which recites similarly to claim 5 see rationale as previously discussed above.

Regarding claim 7, which recites similarly to claim 3 see rationale as previously discussed above.

Regarding claim 8, which recites similarly to claim 4 see rationale as previously discussed above.

Response to Arguments

5. Applicant's arguments filed 07/27/07 have been fully considered but are moot in view of new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-272-3698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ck.

Chuck Kendall 8/06/07